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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,157	05/18/2000	Cary Lee Bates	ROC920000066	6988

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Thomason Moser & Patterson LLP  
Suite 1500  
3040 Post Oak Boulevard  
Houston, TX 77056-6582

EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/574,157	BATES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 9/2/04.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-11 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-11 and 21-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-11, 21-24, 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent #5,799,292 (Hekmatpour).

- As for claims 5, 21: Hekmatpour teaches a computer implemented method and corresponding system for rendering web pages to be displayed on a networked client display device (10:40-45) customized to the user on the basis of prior user interaction with the web document (see the abstract), comprising the steps/means for:
  - for each of a plurality of web pages having different network addresses:
  - receiving user request to view the web page (inherently included),
  - in response to user request, retrieving the web page according to a respective network address (2:18-60)
  - evaluating a user profile of navigation history to determine if there is a user interaction entry relating to the web page, the entry includes a user interactive field, if the there is a user interaction entry, determining if the entry field exists on the web page (2:61 – 3:11; 7:8-53),

rendering the document on the display so that the entry field viewable on the display and positioning a portion of the page outside the viewable area (inherently included in the teaching of scrolling), thereby eliminating from having to reposition the page to bring the user interaction field into viewable area (7:28-32; 8:35 – 9:9).

- As for claims 6: The user interaction field is removed from current location and moved to a top portion of the view area (7:28-32; 8:41-55).
- As for claim 7: The user profile of navigation history includes a plurality of user interaction fields (8:41-55). Other interaction fields can be moved to viewable area on the display screen in the same manner. Figures 6a-c disclose the rearranging of user interactive field based on frequency and recency of interaction, wherein a second interactive field is moved to the top of the display.
- As for claim 8: Each user interacted object is associated with a count, the count associated with the second interacted object greater than the first (7:33-58; 8:41-52).
- As for claim 9: If the count are equal for both entries, then a time value can be used. Object selected most recently (i.e., greater time value) is given more weight (8:51-55).
- As for claim 10: The rendering includes scrolling the page (7: 28-32; 8:65-67; 10:22-39).
- As for claim 11: Hekmatpour teaches a computer implemented method and corresponding system for rendering web pages to be displayed on a networked client display device (10:40-45) customized to the user on the basis of prior user interaction with the web document (see the abstract), comprising the steps/means for:

for each of a plurality of web pages having different network addresses:

receiving user request to view the web page (inherently included),

in response to user request, retrieving the web page according to a respective network address (2:18-60)

evaluating a user profile of navigation history to determine if there is a user interaction entry relating to the web page, the entry includes a user interactive field, if the there is a user interaction entry, determining if the entry field exists on the web page (2:61 – 3:11; 7:8-53),

rendering the document on the display so that the entry field viewable on the display and positioning a portion of the page outside the viewable area, thereby eliminating from having to reposition the page to bring the user interaction field into viewable area (8:35 – 9:9). The user profile of navigation history includes a plurality of user interaction fields (8:41-55). Other interaction fields can be moved to viewable area on the display screen in the same manner. Figures 6a-c disclose the rearranging of user interactive field based on frequency and recency of interaction, wherein a second interactive field is moved to the top of the display.

- As for claims 22, 23: The determination of whether an object is in viewable area is inherently included in the teaching of Display Order calculation (8:38-40) and the scrolling (7:28-32) and shifting (8:65-66).
- As for claim 23: All of the user interactive fields can be displayed in the viewable area (8:41-55; 9:15-43).

- As for claim 24: The user interaction entry can be a table entry, a link, a data entered interaction entry, or a scrolling entry (see descriptions of figures 6-9).
- As for claim 26: Hekmatpour teaches a computer implemented method and corresponding system for rendering web pages to be displayed on a networked client display device (10:40-45) customized to the user on the basis of prior user interaction with the web document (see the abstract), comprising the steps/means for:
  - for each of a plurality of web pages having different network addresses:
  - receiving user request to view the web page (inherently included),
  - in response to user request, retrieving the web page according to a respective network address (2:18-60)
  - evaluating a user profile of navigation history to determine if there is a user interaction entry relating to the web page, the entry includes a user interactive field, if the there is a user interaction entry, determining if the entry field exists on the web page (2:61 – 3:11; 7:8-53),
  - rendering the document on the display so that the entry field viewable on the display and positioning a portion of the page outside the viewable area (inherently included in the teaching of scrolling), thereby eliminating from having to reposition the page to bring the user interaction field into viewable area (7:28-32; 8:35 – 9:9). Scroll bars are provided allowing the user to scroll the page (see the drawings).
- As for claims 27, 28, 29: The page is rendered by rearranging the layout of the page, wherein at least one element of the page is positioned at the top of the page (7:28-32; 8:41-55).

- As for claims 30, 31: Scroll bars are provided allowing the user to scroll the page (see the drawings).

***Claim Rejections - 35 USC § 103***

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hekmatpour.
  - As for claim 25: Hekmatpour fails to clearly teach that the data structure includes the time spent displaying the electronic document element on the display during prior user interaction with the electronic document. However Official notice is taken that implementation of measuring the time spends at a display object as an indication of user preference is well known in the art of web information display (see US patent #6,487,541, 1:40-62, and US patent #6,412,012, 2:35-46). user profile data structure using (7:42-49). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of measuring the time spend at a display object as an indication of user preference to Hekmatpour's user profile data structure. Motivation of the combining is for the advantage of enhancing the prediction of user preference.

***Response to Arguments***

3. Applicant's arguments have been considered but are not deemed persuasive in view of the new ground of rejection.

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bad Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bad Huynh  
Primary Examiner  
AU 2179  
11/29/04

BA HUYNH  
PRIMARY EXAMINER